

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TEVA PHARMACEUTICALS USA, INC.,

Plaintiff,

v.

PFIZER INC.,

Defendant.

Civil Action No. 03 10167 MLW

DOCKETED

**DECLARATION OF ANTHONY L. DEPROSPO, JR.
IN OPPOSITION TO DEFENDANT'S MOTION
TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

I, ANTHONY L. DEPROSPO, JR., declare that:

1. I am an attorney duly licensed to practice law in the Commonwealth of Massachusetts and the United States District Court for the District of Massachusetts. I am an associate with the firm of Sherin and Lodgen LLP, counsel for Defendant Teva Pharmaceuticals USA, Inc. ("Teva").

2. I make this declaration to present to the Court certain documents cited as exhibits in *Plaintiff Teva's Opposition To Defendant Pfizer's Motion To Dismiss For Lack Of Subject Matter Jurisdiction*, submitted herewith.

3. Attached as Exhibit 1 is a copy of a document entitled *Generic Drug Entry Prior to Patent Expiration: An FTC Study*. This document was obtained from the web site for the Federal Trade Commission (<http://www.ftc.gov>).

4. Attached as Exhibit 2 is a Declaration Of Todd M. Salsbury In Opposition To Defendant's Motion To Dismiss For Lack Of Subject Matter Jurisdiction.

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5. Attached as Exhibit 3 is a copy of the results of a search of the LexisNexis® CourtLink® eAccess database using the criteria of “Pfizer” as the plaintiff, date of case filing of after January 1, 1998, and “830” as the subject matter of suit (*i.e.*, nature of suit is “patent”). This database can be accessed at <http://www.courtlink.com>.

6. Attached as Exhibit 4 is a copy of the complaint filed with the court in *Pfizer Inc. v. Ivax Pharmaceuticals, Inc., formerly known as Zenith Goldline Pharmaceuticals, Inc., and Ivax Corporation*, No. 00-408 (D.N.J. filed Jan. 27, 2000) (herein “*Pfizer v. Ivax*”).

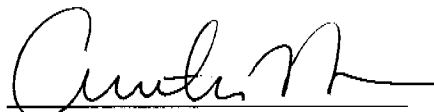
7. Attached as Exhibit 5 is a copy of settlement agreement between the parties in *Pfizer v. Ivax*.

8. Attached as Exhibit 6 is a copy of a letter from Thomas J. Meloro to Dimitrios T. Drivas that was sent by facsimile on March 17, 2003.

9. Attached as Exhibit 7 is a copy of the cover page, page 24, and page 31 of a document entitled *Pfizer 2002 Annual Report*. This document was obtained from the web site for Pfizer, Inc. (<http://www.pfizer.com>).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: March 31, 2003


Anthony L. DeProspo, Jr.